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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

CESAR LEONGSON et al.,
Plaintiffs and Appellants,

v.

HARLEYSVILLE MUTUAL
INSURANCE COMPANY et al.,
Defendants and Respondents.

A106229

(Contra Costa County
Super. Ct. No. C03-00446)

Cesar and Rachel Leongson, in pro. per., appeal from a judgment entered upon a court trial finding in favor of defendants Harleysville Mutual Insurance Company and Access Claim Administrators, Inc. They contend that the trial court erred in entering a default judgment against them and also fault their trial counsel's performance in representing them. Inasmuch as appellants have failed to show error by an adequate record, we affirm.

I. FACTUAL BACKGROUND

On February 26, 2003, appellants filed a complaint against defendants and Americredit Financial Services, Inc. The pleadings are not a part of the record on appeal, but it appears that the dispute concerns appellants' insurance claim for damage to their vehicle. On October 3, 2003, Americredit Financial Services moved for summary judgment. Defendants did not oppose the motion. On December 26, 2003, the trial court granted the motion, noting that there had been no opposition to the court's tentative ruling. Trial on appellants' claims against the remaining defendants commenced on

January 20, 2004. Appellants failed to appear. Their counsel informed the court that he was unable to proceed. “Proof having first been made to the satisfaction of the court that [appellants] had adequate notice of the time and place fixed for trial,” the court entered judgment in favor of defendants.

II. DISCUSSION

Appellants contend that their trial counsel did not properly represent them, and that the court’s entry of default against them was unfair because the court had previously not entered a default against Harleysville Mutual Insurance Company when its counsel failed to appear for the issue conference. Appellants, however, have not provided this court with an adequate record to review their arguments. (See 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, § 518, p. 562 [appellant must affirmatively show error by an adequate record].) They elected not to provide us with any reporter’s transcripts and proceeded solely on a partial clerk’s transcript.¹ “ ‘It is elementary and fundamental that on a clerk’s transcript appeal the appellate court must conclusively presume that the evidence is ample to sustain the findings, and that the only questions presented are as to the sufficiency of the pleadings and whether the findings support the judgment.’ [Citations.]” (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154.) On the limited record before us, no error appears.²

¹ Appellants’ designation included only those documents required to be included in the clerk’s transcript, i.e., the register of actions, the judgment and notice of entry, and the notice of appeal and notice designating record on appeal.

² We note that even if we construe appellants’ notice of appeal to include an appeal from the summary judgment entered in favor of Americredit Financial Services, appellants have also failed to provide a record of the summary judgment proceedings.

III. DISPOSITION

The judgment is affirmed.

RIVERA, J.

We concur:

KAY, P.J.

REARDON, J.